THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 21524 of 2005

Dated 14.11.2005

M/s.Mahalakshmi Motors Limited.

..... petitioner

AND

Dy. Commissioner of Income Tax,

Circle 2(1)

Ayakar Bhavan,

Basheerbagh, Hyderabad and others

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 21524 of 2005

ORAL ORDER: (Per Sri S.Ananda Reddy,j)

The writ petition is filed seeking a direction to the respondents to issue a refund order for Rs.22,03,364/- together with interest payable under Section 244-A of the Income-Tax Act for the assessment year 1994-95.

In response to the notice issued by this Court, a counter affidavit is filed on behalf of the department stating that for the amount refundable for the concerned assessment year, a refund order was issued in favour of the assessee as per the refund order dated 13.7.1995 by enclosing a cheque bearing No.A006520/B652000 in favour of the assessee. However, since the claim of the assessee is that he did not receive the same nor the said cheque was encashed, it is stated that a letter was addressed to the Reserve Bank of India on 21.10.2005 enquiring as to whether the said cheque was encashed or otherwise. It is however stated that as soon as the reply is received from the Reserve Bank of India, the respondent department will take appropriate action as to the refund or otherwise.

In view of the above statement made in the counter by the respondent authorities, the writ petition is disposed of directing the department to pass appropriate orders within a period of four weeks from today.

The writ petition is accordingly disposed of. No costs.

(B.SUDERSHAN REDDY,J)

Dated 14..11..2005

(S.ANANDA REDDY,J)

msv